

### **REMARKS/ARGUMENTS**

Claims 28-70 are pending in the application.

The undersigned would like to thank Examiner Charles for the courtesies extended during the telephone interview conducted July 7, 2004.

During the interview, the history of this application was discussed, including the appeal of the parent application (Serial No. 08/313,988) and the resultant decision by the Board of Appeals dated August 15, 2001. A copy of that decision was sent to the Examiner for discussion during the interview, and another copy is enclosed herewith.

During the interview, distinctions of the presently claimed invention over the prior art were discussed. The feature of the presently claimed open accounting system versus closed EDI systems was discussed, including the ability of multiple users to access the system. The feature of establishing financial transaction information and generating detailed accounting statements derived from the financial transaction information was discussed, e.g., the “why” of the financial transactions.

By the present Amendment, independent Claims 28, 51, 55, 59 and 63 have been amended as proposed during the interview to include language relating to the provision or production of accounting statements for a plurality of users who have conducted separate financial transactions with a plurality of other entities. Amended independent Claims 28, 51, 55, 59 and 63 also include language relating to the provision of transaction codes, including standardized codes representing financial transaction information, and further relating to the production of an accounting statement for each user derived from the financial transaction information including income, expense, asset and/or liability information for each user. Claims 28, 51, 55, 59 and 63 have been further amended to include language relating to the transmission of a record of each transaction and at least one transaction code via an open network to at least one file. Several of the claims depending from Claims 28, 51, 55, 59 and 63 have been amended to include the term “user” instead of “first entity” in order to conform with the amended independent claims from which they depend. No issue of new matter is presented. It is respectfully submitted that the features recited in independent Claims 28, 51, 55, 59 and 63 are not taught or suggested by the other prior art of record.

By the present Amendment, independent Claims 45, 67, 69 and 70 have been amended to include language relating to data inputs including electronically recorded financial transaction information made between a first entity and a second entity. Claims 45, 67, 69 and 70 have also been amended to include language relating to an open communication network for transferring the data inputs from a second computer to a file of a first computer. Claims 45, 67, 69 and 70 have been further amended to include language relating to the production of an accounting statement derived from the financial transaction information including income, expense, asset and/or liability information for the first entity. It is respectfully submitted that the features recited in independent Claims 45, 67, 69 and 70 distinguish over the prior art of record.

#### **Decision on Appeal of 08/313,988 Parent Application**

As discussed during the interview, in the August 15, 2001 Decision on Appeal, the Board of Appeals addressed independent Claims 21 and 28 of parent Application Serial No. 08/313,988. Claim 21 of the 08/313,988 application generally corresponds to pending Claims 45, 67, 69 and 70 of the present application. Claim 28 of the 08/313,988 application generally corresponds to pending Claims 28, 51, 55, 59 and 63 of the present application. These groups are addressed separately below.

#### **Pending Independent Claims 45, 67, 69 and 70**

Currently pending independent Claims 45, 67, 69 and 70 are generally similar to appealed independent Claim 21 of the 08/313,988 parent application. For comparison purposes, appealed Claim 21 of the 08/313,988 application is reproduced below, followed by Claim 45 of the currently pending application. Additional language of pending Claim 45 has been highlighted.

Appealed Claim 21 of 08/313,988 Application

21. A system for providing financial accounting reports and statements for a first entity such as an individual or a business, said system comprising:

a first computer having at least one file;

a second computer for receiving data inputs, said data inputs including electronically recorded financial transactions made between said first entity and a second entity;

first communication means for transferring said data inputs from said second computer to said file of said first computer; and

means for providing access to said file of said first computer for agents of said first entity so that one of said agents can perform one or more activities selected from the group consisting of entering, deleting, reviewing, adjusting and processing said data inputs.

Currently Pending Claim 45

45. A system for providing financial accounting *statements* for a first entity, comprising:

a first computer having at least one file *from which an accounting statement may be generated*;

a second computer for receiving data inputs, said data inputs including electronically recorded *financial transaction information* made between said first entity and a second entity;

*an open communication network* for transferring said data inputs from said second computer to said file of said first computer; and

means for performing *two or more activities* selected from the group consisting of entering, deleting, reviewing, adjusting and processing said data inputs, *and producing said accounting statement derived from the financial transaction information including income, expense, asset and/or liability information for the first entity.*

The Board of Appeals stated the following with respect to independent Claim 21 of the 08/313,988 parent application:

With respect to claim 21, the examiner maintains that Kniffen teaches an electronic data interchange between at least two entities and that the data interchange includes electronic funds transfer and related accounting data. (See final rejection at pages 3-4 and answer at page 4.) We agree with the examiner. At the oral hearing, appellant argued that Kniffen does not teach or fairly suggest “a system for providing financial accounting reports and statements for a first entity” as recited in the language of claim 21. Appellant further relies upon the interpretation of “accounting statements” as discussed at page 2 of the specification. At page 2, the specification describes entering, deleting, reviewing, adjusting and processing the data inputs to generate the accounting statements. In contradistinction, the language of independent claim 21 merely requires a “means for providing access to said file of said first computer for agents of said first entity so that one of said agents can perform one or more activities selected from the group consisting of entering, deleting, reviewing, adjusting and processing said data inputs.” Here, access to the file or data is claimed to enable an agent to perform “one or more” of a list of functions. Therefore, it would be improper to interpret the language of claim 21 as requiring all of the functions as recited in the specification at page 2 or to require the level of detail of an accounting statement as may be described in the specification. Furthermore, the explicit limitations of claim 21 do not recite the generation of the accounting statement, but only recite this limitation in the preamble of the claim. Therefore, this argument is not persuasive, and we will sustain the rejection of independent claim 21 and its dependent claims 22-27.

The Board of Appeals thus indicated that the generation of a detailed accounting statement represents a feature that could distinguish over the applied prior art. Currently pending Claim 45 recites, in part, “means for performing two or more activities selected from the group consisting of entering, deleting, reviewing, adjusting and processing said data inputs, and producing said accounting statement derived from the financial transaction information including income, expense, asset and/or liability information for the first entity”. Independent Claims 67, 69 and 70 include generally similar recitations. The recited production of a detailed accounting statement derived from financial transaction information and including income, expense, asset and/or liability information, in combination with the other recited features, serves to distinguish over the prior art.

The Board of Appeals further stated the following with respect to Claim 21 of the 08/313,988 parent application:

Appellant argues that Kniffen does not teach the use of an integrated network and that Kniffen is a closed system between two participants. (See brief at page 8.) We find no express limitation in the language of claim 21 to support this argument. Therefore, this argument is not persuasive.

The Board of Appeals thus indicated that the recitation of an open system between multiple users represents a feature that could distinguish over the applied prior art. Currently pending Claim 45 recites, in part, "an open communication network for transferring said data inputs from said second computer to said file of said first computer". Independent Claims 67, 69 and 70 include generally similar recitations. The recited open communication network, in combination with the other recited features, serves to distinguish over the prior art.

Accordingly, based upon the guidance provided in the prior Decision on Appeal, it is submitted that independent Claim 45 of the present application, as well as generally similar independent Claims 67, 69 and 70, distinguish over the prior art, including the references applied by the Examiner and considered by the Board of Appeals in parent Application Serial No. 08/313,988.

Pending Independent Claims 28, 51, 55, 59 and 63

Currently pending independent Claims 28, 51, 55, 59 and 63 are generally similar to appealed Claim 28 of the 08/313,988 parent application. For comparison purposes, appealed Claim 28 of the 08/313,988 application is reproduced below, followed by Claim 28 of the currently pending application. Additional language of pending Claim 28 has been highlighted.

Appealed Claim 28 of 08/313,988 Application

28. A method of providing financial accounting reports and statements for a first entity such as an individual or a business which comprises:

providing a menu of transaction codes, including standardized codes;

conducting through other entities separate financial transactions, including transfer of funds and instructions for transfer of funds, with the first entity at a plurality of separate points;

associating a transaction code from the menu at the time when funds are transferred or instructions are given for transfer to complete the financial transaction;

transmitting a record of each transaction and selected transaction code to at least one file at about the time of the transaction;

sorting the transactions in the files and producing an accounting statement in a desired format;

printing or electronically displaying the statement results.

Currently Pending Claim 28

28. A method of providing financial accounting *statements* for *a plurality of users*, comprising:

providing transaction codes, including standardized codes *representing financial transaction information*;

*each of the users* conducting *with a plurality of other entities* separate financial transactions;

associating at least one of the transaction codes at about the time when funds are transferred or instructions are given for transfer to complete each financial transaction;

transmitting a record of each transaction and the at least one transaction code *via an open network* to at least one file; and

sorting the transactions in the at least one file and  
producing an accounting statement *for each user derived from the  
financial transaction information including income, expense, asset and/or  
liability information for each user.*

The Board of Appeals stated the following with respect to independent Claim  
28 of the 08/313,988 parent application:

At the oral hearing, appellant argued that Kniffen does not teach  
“conducting through other entities separate financial transactions,  
including transfer of funds and instructions for transfer of funds, with the  
first entity at a plurality of separate points.” Appellant relies upon this  
limitation to claim that the first entity is in a network with other entities  
and these other entities perform financial transactions with or through the  
first entity. We disagree with appellant’s interpretation of the language of  
claim 28. Here, the examiner maintains that the electronic funds transfer  
for Budd would have been with Budd’s bank. (Final rejection at page 5.)  
From the examiner’s interpretation, the bank of one entity would have  
been one of the “other entities.” We agree with the examiner. Since claim  
28 does not identify the number or functional relationship of the other  
entities, the bank would have been another entity with which to carry out  
data and financial transactions. Furthermore, Kniffen discloses that  
transactions are maintained with the three big manufacturers. In our view,  
these would also be other entities, as claimed. We note that the language  
of claim 28 does not recite that all the entities are interconnected in a  
network for transactions and accounting. While we agree with appellant  
that Kniffen does not teach the use of a network with two or more entities  
besides the first entity, claim 28 does not require this detail in the recited  
limitations. Therefore, this argument is not persuasive.

The Board of Appeals thus indicated that the feature of providing an open or  
interconnected network for multiple users could represent a patentable feature over the  
applied references. Currently pending Claim 28 recites, in part, a method of providing  
financial accounting statements for a plurality of users, comprising “each of the users  
conducting with a plurality of other entities separate financial transactions”, and  
“transmitting a record of each transaction and at least one transaction code via an open  
network to at least one file”. Independent Claims 51, 55, 59 and 63 include generally  
similar recitations. Such multiple user and open network features, in combination with the  
other recited features, serve to distinguish over the prior art.

The Board of Appeals further stated the following with respect to Claim 28 of the 08/313,988 parent application:

At the oral hearing, appellant argued that Kniffen does not produce an “accounting statement in a desired format” as disclosed on page 2 of the specification. As discussed above, we will not read limitations from the specification into the claim. Therefore, this argument is not persuasive.

The Board of Appeals thus indicated that the production of an accounting statement in a detailed format could represent patentable subject matter over the applied prior art. Currently pending Claim 45 recites, in part, “sorting the transactions in the at least one file and producing an accounting statement for each user derived from the financial transaction information including income, expense, asset and/or liability information for each user”. Independent Claims 51, 55, 59 and 63 include generally similar recitations. Such accounting statements derived from the financial transaction information and including income, expense, asset and/or liability information, in combination with the other recited features, serve to distinguish over the prior art.

Accordingly, based upon the guidance provided in the prior Decision on Appeal, it is submitted that independent Claim 28 of the present application, as well as similar independent Claims 51, 55, 59 and 63, distinguish over the prior art, including the references applied by the Examiner and considered by the Board of Appeals in parent Application Serial No. 08/313,988.

### **35 U.S.C. § 101 Rejection**

Claims 28-70 were rejected under 35 U.S.C. § 101 because the claims allegedly do not recite technology, i.e., computer implementation or any other technology, in a non-trivial manner. During the July 7, 2004 interview, Applicant pointed out that during prosecution of parent Application Serial No. 08/313,988, neither the Examiner in that application nor the Board of Appeals raised a 35 U.S.C. § 101 rejection of generally similar claims. Applicant further pointed out that the pending claims are of a generally similar nature to the claims at issue in the *State Street v. Financial Signature Group* case (47 USPQ2d 1596 (Fed. Cir. 1998)), and are likewise directed to statutory subject matter.



Applicant also pointed out that the *Bowman* case (61 USPQ2d 1669 (Board of Patent Appeals and Interferences)) cited in the Office Action is distinguishable from the present case because the *Bowman* case related to an application for hand-plotting of scores on a chart, rather than the technological features recited in the presently claimed invention. Applicant also notes that the pending claims meet the Patent Office's published "Computer-Related Invention Guidelines" for statutory subject matter.

It is therefore submitted that Claims 28-70 fully meet the requirements of 35 U.S.C. § 101.

### **35 U.S.C. §§ 102 and 103 Rejections**

In the Office Action, Claims 28, 32, 39, 40, 51, 55 and 59 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Cushing et al., "Accounting Information Systems: A Comprehensive Approach", Fifth Edition, 1990. The remaining claims were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cushing et al. in combination with various references including Braun et al. '672, Sloan et al. '067, Marks '356 and Matsushita et al. '556.

As discussed during the interview, Cushing et al. discloses conventional accounting information systems, including EDI systems. Braun et al. '672 discloses a financial data processing system including electronic funds transfer using unit records. Sloan et al. '067 discloses a prepayment metering system using encoded purchase cards from multiple locations and passwords. Marks '356 discloses an automated ledger account maintenance system. Matsushita et al. '556 discloses a signal transmission device utilizing carrier waves.

Neither the Cushing et al. reference, nor any of the other applied references, teach or suggest the combinations of features recited in Claims 28, 51, 55, 59 and 63. The references do not teach or suggest the provision or production of accounting statements for a plurality of users who have conducted separate financial transactions with a plurality of other entities, as recited independent Claims 28, 51, 55, 59 and 63. Furthermore, none of the applied references teach or suggest the provision of transaction codes, including standardized codes representing financial transaction information, and producing an accounting statement for each user derived from the financial transaction information

including income, expense, asset and/or liability information for each user, as recited in Claims 28, 51, 55, 59 and 63. The applied references further fail to teach or suggest the transmission of a record of transactions and transaction codes via an open network to at least one file, as recited in Claims 28, 51, 55, 59 and 63. Accordingly, independent Claims 28, 51, 55, 59 and 63, and the claims that depend therefrom, are patentable over the prior art of record.

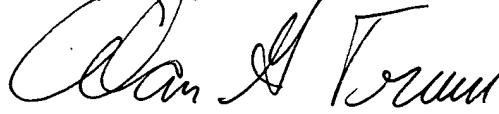
The Cushing et al. reference alone, or in combination with the other applied references, does not teach or suggest the combinations of features recited in Claims 28, 51, 55, 59 and 63. The references do not teach or suggest data inputs including electronically recorded financial transaction information made between a first entity and a second entity, as recited in Claims 45, 67, 69 and 70. Furthermore, the prior art of record does not teach or suggest an open communication network for transferring the data inputs from a second computer to a file of a first computer, as recited in Claims 45, 67, 69 and 70. The applied references further fail to teach or suggest the production of an accounting statement derived from the financial transaction information including income, expense, asset and/or liability information for the first entity, as recited in Claims 45, 67, 69 and 70. Accordingly, independent Claims 45, 67, 69 and 70, and the claims that depend therefrom, are patentable over the prior art of record.

### **Summary**

In view of the foregoing amendments and remarks, it is submitted that the presently claimed invention meets the requirements of 35 U.S.C. § 101, and Claims 28-70 are patentable over the prior art of record. Accordingly, an early Notice of Allowance is respectfully requested.

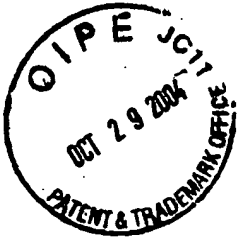
In the event that any outstanding matters remain in connection with this application, the Examiner is invited to telephone the undersigned at (412) 263-4340 to discuss such matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan G. Towner". The signature is fluid and cursive, with the first name "Alan" being the most prominent.

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The opinion in support of the decision being entered today as not written for publication and is not binding precedent of the Board.

ENTERED  
08/27/01

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte GORDON T. BROWN

Appeal No. 1999-0167  
Application No. 08/313,988

HEARD: July 11, 2001

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AUG 15 2001

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before HAIRSTON, RUGGIERO, and DIXON, Administrative Patent Judges.  
DIXON, Administrative Patent Judge.

### DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 2-7, 14-17, and 21-28, which are all of the claims pending in this application.

We AFFIRM.

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## BACKGROUND

The appellant's invention relates to an automated accounting system. An understanding of the invention can be derived from a reading of exemplary claims 21 and 28 which are reproduced below.

21. A system for providing financial accounting reports and statements for a first entity such as an individual or a business, said system comprising:

- a first computer having at least one file;

- a second computer for receiving data inputs, said data inputs including electronically recorded financial transactions made between said first entity and a second entity;

- first communication means for transferring said data inputs from said second computer to said file of said first computer; and

- means for providing access to said file of said first computer for agents of said first entity so that one of said agents can perform one or more activities selected from the group consisting of entering, deleting, reviewing, adjusting and processing said data inputs.

28. A method of providing financial accounting reports and statements for a first entity such as an individual or a business which comprises:

- providing a menu of transaction codes, including standardized codes;

- conducting through other entities separate financial transactions, including transfer of funds and instructions for transfer of funds, with the first entity at a plurality of separate points;

- associating a transaction code from the menu at the time when funds are transferred or instructions are given for transfer to complete the financial transaction;

Appeal No. 1999-0167  
Application No. 08/313,988

transmitting a record of each transaction and selected transaction code to at least one file at about the time of the transaction;

sorting the transactions in the files and producing an accounting statement in a desired format;

printing or electronically displaying the statement results.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

"Interview with Don Kniffen," TMA Journal, Vol. 14, No. 1, pp 34-38, Jan/Feb. 1994 (Kniffen).

Claims 2-7, 14-17, and 21-28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kniffen.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the final rejection (Paper No. 10, mailed May 22, 1997) and the examiner's answer (Paper No. 18, mailed Feb. 19, 1998) for the examiner's reasoning in support of the rejections, and to the appellant's brief (Paper No. 16, filed Nov. 17, 1997) for the appellant's arguments thereagainst.

### OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art reference, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

At the outset, we note that appellant has argued the limitations of independent claim 28. We view independent claim 21 to be broader and more representative of the claimed invention. At the oral hearing appellant argued that claim 28 should be grouped separately from independent claim 21. Therefore, we will address two separate groupings.

With respect to claim 21, the examiner maintains that Kniffen teaches an electronic data interchange between at least two entities and that the data interchange includes electronic funds transfer and related accounting data. (See final rejection at pages 3-4 and answer at page 4. ) We agree with the examiner. At the oral hearing, appellant argued that Kniffen does not teach or fairly suggest "a system for providing financial accounting reports and statements for a first entity" as recited in the language of claim 21. Appellant further relies upon the interpretation of "accounting statements" as discussed at page 2 of the specification. At page 2, the specification describes entering, deleting, reviewing, adjusting and processing the data inputs to generate the accounting statements. In contradistinction, the language of independent claim 21

merely requires a "means for providing access to said file of said first computer for agents of said first entity so that one of said agents can perform one or more activities selected from the group consisting of entering, deleting, reviewing, adjusting and processing said data inputs." Here, access to the file or data is claimed to enable an agent to perform "one or more" of a list of functions. Therefore, it would be improper to interpret the language of claim 21 as requiring all of the functions as recited in the specification at page 2 or to require the level of detail of an accounting statement as may be described in the specification. Furthermore, the explicit limitations of claim 21 do not recite the generation of the accounting statement, but only recite this limitation in the preamble of the claim. Therefore, this argument is not persuasive, and we will sustain the rejection of independent claim 21 and its dependent claims 22-27.

Appellant argues that Kniffen does not teach the use of an integrated network and that Kniffen is a closed system between two participants. (See brief at page 8.) We find no express limitation in the language of claim 21 to support this argument. Therefore, this argument is not persuasive.

Appellant argues that Kniffen does not teach or fairly suggest the conception of an accounting system as appellant's invention. (See brief at pages 6-9.) Again, appellant does not identify specific claim limitations to support this argument. Clearly, the data exchange of information in Kniffen included some financial related data, and it was used and processed which is the basics of accounting. The preamble of the claim is



Appeal No. 1999-0167  
Application No. 08/313,988

the only recitation of accounting and no further processing is recited in claim 21.

Therefore, this argument is not persuasive.

With respect to claim 28, appellant argued at the oral hearing that Kniffen does not teach or suggest the limitations set forth in the second and third paragraphs of claim 28. Specifically, appellant argues that Kniffen does not teach the use of "standardized codes" and providing a "menu of transaction codes." The examiner maintains that a set of standardized transaction codes would have been necessary to select appropriate financial and data transactions between two entities. (See final rejection at page 5.) We agree with the examiner. Further, Kniffen discloses the problems involved with the development of the electronic data and financial interchange, and the need for industry standards to effectuate the exchanges. (Kniffen at pages 1 and 3.) Clearly, in our view, this is motivation for standardization of transactions which would require associated codes thereto. This would be especially true as more entities were to become involved in transactions beyond Budd and the big three automotive manufacturers.

At the oral hearing, appellant argued that Kniffen does not teach "conducting through other entities separate financial transactions, including transfer of funds and instructions for transfer of funds, with the first entity at a plurality of separate points." Appellant relies upon this limitation to claim that the first entity is in a network with other

entities and these other entities perform financial transactions with or through the first entity. We disagree with appellant's interpretation of the language of claim 28. Here, the examiner maintains that the electronic funds transfer for Budd would have been with Budd's bank. (Final rejection at page 5.) From the examiner's interpretation, the bank of one entity would have been one of the "other entities." We agree with the examiner. Since claim 28 does not identify the number or functional relationship of the other entities, the bank would have been another entity with which to carry out data and financial transactions. Furthermore, Kniffen discloses that transactions are maintained with the three big manufacturers. In our view, these would also be other entities, as claimed. We note that the language of claim 28 does not recite that all the entities are interconnected in a network for transactions and accounting. While we agree with appellant that Kniffen does not teach the use of a network with two or more entities besides the first entity, claim 28 does not require this detail in the recited limitations. Therefore, this argument is not persuasive.

At the oral hearing, appellant argued that Kniffen does not produce an "accounting statement in a desired format" as disclosed on page 2 of the specification. As discussed above, we will not read limitations from the specification into the claim. Therefore, this argument is not persuasive. The examiner maintains that Kniffen discloses generating financial reports. (Final rejection at page 5.) We agree with the examiner. Kniffen does disclose the updating of financial database files including

Appeal No. 1999-0167  
Application No. 08/313,988

general ledger, accounts receivable and credit. (Kniffen at page 3.) It is clear to us that these updates would be printable or viewable on a display for user interaction and review.

Appellant argues many aspects of the accounting statement in the brief at pages 7-9, but we find no express support for these arguments in the language of claim 28. Appellant argues that Kniffen does not disclose the concept of being integrated with any other system such as a credit card system. Again, we find no support in the language of claim 28 for this argument. Therefore, this argument is not persuasive. Since appellant has not rebutted the *prima facie* case of obviousness, we will sustain the rejection of claim 28 and its dependent claims 2-7 and 14-17.

### CONCLUSION

To summarize, the decision of the examiner to reject claims 2-7, 14-17, and 21-28 under 35 U.S.C. § 103 is affirmed.


**Appeal No. 1999-0167**  
**Application No. 08/313,988**

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

**AFFIRMED**

  
KENNETH W. HAIRSTON  
Administrative Patent Judge

*Joseph F. Ruggiero*  
JOSEPH F. RUGGIERO  
Administrative Patent Judge

  
JOSEPH L. DIXON  
Administrative Patent Judge

) BOARD OF PATENT  
) APPEALS  
) AND  
) INTERFERENCES

JD/RWK

Appeal No. 1999-0167  
Application No. 08/313,988

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